

**JUDGE KOELTL**

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

**08 CV 5027**

NEW MILLENNIUM PR COMMUNICATIONS, INC.

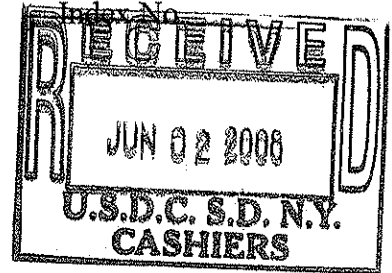
**COMPLAINT**

Plaintiff,

-against-

DIGITAL FX INTERNATIONAL, INC.,

Defendant.



New Millennium PR Communications, Inc., by their attorney Larry Kars, Esq., sets forth the following claims against defendant as follows:

**JURISDICTION AND VENUE**

This Court has subject matter jurisdiction on the basis of 28 U.S.C. section 1332, where there is diversity of citizenship and the amount in controversy exceeds \$75,000.

Venue lies in this district as a substantial part of the events giving rise to the claims occurred in this district.

1. Plaintiff New Millennium PR Communications, Inc. (New Millennium) is and at all relevant times was a New York Corporation with a current address of 363 Seventh Ave., 13<sup>th</sup> Floor, New York, NY 10001. It performs media relations and investor relations services primarily for public companies.

2. Defendant Digital FX International, Inc.(Digital) is a publicly traded company which

hired plaintiff to do investor and media relations work for them. Digital is located at 3035 E. Patrick Lane, Suite 9, Las Vegas, NV 89102 . On information and belief, it is a Florida corporation. It conducts business in New York and the contract with New Millennium was negotiated and signed in New York.

3. On or about December 13, 2006, New Millennium and Digital signed a Investor and Media Relations Contract (contract) whereby New Millennium would perform certain investor and media relations work for Digital for a period of six months beginning January 1, 2007 through June 30, 2007 for a fee of \$10,000 per month plus the costs of outside production services.

4. The contract also provided that if neither party notified the other party in writing by registered mail before the contract expired, but in no circumstances before May 31, 2007, the contract will be renewed automatically for twelve months.

5. The contract was automatically renewed for twelve months.

6. The amounts currently owed by defendant to New Millennium total \$82,730.00.

**FIRST CAUSE OF ACTION**  
**(Breach of Contract)**

7. New Millennium repeats and re-alleges paragraphs 1 through 6 as if fully stated herein.

8. New Millennium rendered valuable services to defendant which defendant accepted without objection.

9. Although New Millennium requested payment in writing and invoiced defendant on several times for the periods mentioned above on a monthly basis, defendant has failed and

refused to pay any part of the amount due and outstanding.

10. New Millennium has performed its obligations under the parties agreement in full, but defendant has failed to adhere to the terms of the agreement and it owes New Millennium the amounts stated, \$82,730.00.

11. New Millennium has been damaged by defendant's refusal to pay entitling New Millennium to recover the amount of \$82,730.00 plus interest..

**SECOND CAUSE OF ACTION**  
**(Quantum Meruit)**

12. New Millennium repeats and re-alleges paragraphs 1 through 11 as if fully stated herein.

13. New Millennium performed certain valuable services for defendant at defendant's specific request .

14. Defendant accepted these services without objection.

15. The reasonable value of the unpaid services provided for the benefit of defendant is \$82,730.00.

16. Based on the foregoing, New Millennium is entitled to recover the amount of \$82,730.0, plus interest, in damages from defendant.

**THIRD CAUSE OF ACTION**  
**(Unjust Enrichment)**

17. New Millennium repeats and re-alleges paragraphs 1 through 16 as if fully stated herein.

18. Defendant benefitted from and continues to benefit from the services provided by

New Millennium to defendant for which New Millennium has not been adequately compensated.

19. Defendant, therefore, has been unjustly enriched.

20. Based on the foregoing, New Millennium is entitled to recover the amount of \$82,730.00, in damages from defendant.

**FOURTH CAUSE OF ACTION**  
**(Account Stated)**

21. New Millennium repeats and re-alleges paragraphs 1 through 20 as if fully stated herein.

22. On various dates during August 2007 through the present time, New Millennium submitted statements of account to defendant reflecting defendant's unpaid balance, to which defendant did not object, contest or question.

23. By reason of the submission of such statements of account without objection, an account has been stated in the amount of \$82,730.00 and New Millennium is entitled to recover damages in that amount, plus interest, from defendant.

WHEREFORE, plaintiff demands judgment against defendant as follows:

(A) On the first cause of action for a total of \$82,730.00 in damages from defendant;

(B) On the second cause of action, for a total of \$82,730.00. in damages from defendant;

(C) On the third cause of action, for a total of \$82,730.00 in damages from defendant;

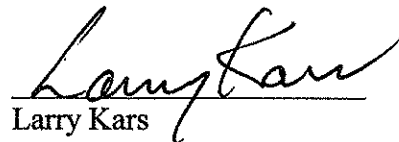
(D) On the fourth cause of action, for a total of \$82,730.00. in damages from defendant;

and

(E) For the costs and disbursements incurred in this action, including reasonable attorneys'

fees, and such other and further relief as the Court may deem just and proper.

Dated: June 2, 2008  
New York, New York

A handwritten signature in black ink, appearing to read "Larry Kars", written over a horizontal line.

Larry Kars  
Attorney for Plaintiff  
New Millennium PR Communications,. Inc..  
600 Lexington Ave., 9<sup>th</sup> Fl.  
New York, NY 10022  
212-752-9700  
0827

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

NEW MILLENNIUM PR COMMUNICATIONS,  
INC.

V.

DIGITAL FX INTERNATIONAL, INC.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 5027

TO: (Name and address of Defendant)

DIGITAL FX INTERNATIONAL, INC.  
3035 E. Patrick Lane, Suite 9  
Las Vegas, NV 89102

JUDGE KOELTL

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

LARRY KARS, ESQ.  
600 Lexington Ave., 9th Floor  
New York, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Marcos Quintero*

(By) DEPUTY CLERK

JUN 02 2008

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left:         </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">           Executed on _____  <div style="text-align: center; margin-top: -10px;">Date</div> </div> <div style="width: 60%;">           _____  <div style="text-align: center; margin-top: -10px;"><i>Signature of Server</i></div>              _____  <div style="text-align: center; margin-top: -10px;"><i>Address of Server</i></div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

JS 44C/SDNY  
REV. 1/2008

JUDGE KOELTL

08 CV 5027

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

NEW MILLENNIUM PR COMMUNICATIONS, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

LARRY KARS - 600 LEXINGTON AVE., 9TH FL. NYC 212-752-9700

## DEFENDANTS

DIGITAL FX INTERNATIONAL, INC..

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

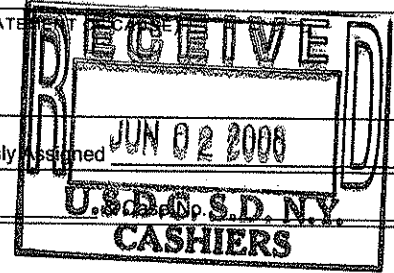
BREACH OF CONTRACT

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned ☐

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT



## TORTS

## ACTIONS UNDER STATUTES

## CONTRACT

- [ ] 110 INSURANCE  
[ ] 120 MARINE  
[ ] 130 MILLER ACT  
[ ] 140 NEGOTIABLE INSTRUMENT  
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT  
[ ] 151 MEDICARE ACT  
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)  
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS  
[ ] 160 STOCKHOLDERS SUITS  
[x] 190 OTHER CONTRACT  
[ ] 195 CONTRACT PRODUCT LIABILITY  
[ ] 196 FRANCHISE

## REAL PROPERTY

- [ ] 210 LAND  
[ ] 220 CONDEMNATION  
[ ] 230 FORECLOSURE  
[ ] 240 RENT LEASE & EJECTMENT  
[ ] 245 TORTS TO LAND  
[ ] 250 TORT PRODUCT LIABILITY  
[ ] 290 ALL OTHER REAL PROPERTY

## PERSONAL INJURY

- [ ] 310 AIRPLANE  
[ ] 315 AIRPLANE PRODUCT LIABILITY  
[ ] 320 ASSAULT, LIBEL & SLANDER  
[ ] 330 FEDERAL EMPLOYERS' LIABILITY  
[ ] 340 MARINE  
[ ] 345 MARINE PRODUCT LIABILITY  
[ ] 350 MOTOR VEHICLE  
[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY  
[ ] 360 OTHER PERSONAL INJURY

## ACTIONS UNDER STATUTES

## CIVIL RIGHTS

- [ ] 441 VOTING  
[ ] 442 EMPLOYMENT  
[ ] 443 HOUSING/ACCOMMODATIONS  
[ ] 444 WELFARE  
[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT  
[ ] 446 AMERICANS WITH DISABILITIES - OTHER  
[ ] 440 OTHER CIVIL RIGHTS

## PERSONAL INJURY

- [ ] 362 PERSONAL INJURY - MED MALPRACTICE  
[ ] 365 PERSONAL INJURY PRODUCT LIABILITY  
[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

## PERSONAL PROPERTY

- [ ] 370 OTHER FRAUD  
[ ] 371 TRUTH IN LENDING  
[ ] 380 OTHER PERSONAL PROPERTY DAMAGE  
[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY

## PRISONER PETITIONS

- [ ] 510 MOTIONS TO VACATE SENTENCE  
[ ] 530 HABEAS CORPUS  
[ ] 535 DEATH PENALTY  
[ ] 540 MANDAMUS & OTHER  
[ ] 550 CIVIL RIGHTS  
[ ] 555 PRISON CONDITION

## FORFEITURE/PENALTY

- [ ] 610 AGRICULTURE  
[ ] 620 OTHER FOOD & DRUG  
[ ] 625 DRUG RELATED SEIZURE OF PROPERTY  
[ ] 630 LIQUOR LAWS  
[ ] 640 RR & TRUCK  
[ ] 650 AIRLINE REGS  
[ ] 660 OCCUPATIONAL SAFETY/HEALTH  
[ ] 690 OTHER

## LABOR

- [ ] 710 FAIR LABOR STANDARDS ACT  
[ ] 720 LABOR/MGMT RELATIONS  
[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT  
[ ] 740 RAILWAY LABOR ACT  
[ ] 790 OTHER LABOR LITIGATION  
[ ] 791 EMPL RET INC SECURITY ACT

## IMMIGRATION

- [ ] 462 NATURALIZATION APPLICATION  
[ ] 463 HABEAS CORPUS-ALIEN DETAINEE  
[ ] 465 OTHER IMMIGRATION ACTIONS

## BANKRUPTCY

- [ ] 422 APPEAL  
[ ] 28 USC 158  
[ ] 423 WITHDRAWAL  
[ ] 28 USC 157

## PROPERTY RIGHTS

- [ ] 820 COPYRIGHTS  
[ ] 830 PATENT  
[ ] 840 TRADEMARK

## SOCIAL SECURITY

- [ ] 861 HIA (1395ff)  
[ ] 862 BLACK LUNG (923)  
[ ] 863 DIWC/DIWW (405(g))  
[ ] 864 SSID TITLE XVI  
[ ] 865 RSI (405(g))

## FEDERAL TAX SUITS

- [ ] 870 TAXES (U.S. Plaintiff or Defendant)  
[ ] 871 IRS-THIRD PARTY  
[ ] 26 USC 7609

## OTHER STATUTES

- [ ] 400 STATE REAPPORTIONMENT  
[ ] 410 ANTITRUST  
[ ] 430 BANKS & BANKING  
[ ] 450 COMMERCE  
[ ] 460 DEPORTATION  
[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)  
[ ] 480 CONSUMER CREDIT  
[ ] 490 CABLE/SATELLITE TV  
[ ] 810 SELECTIVE SERVICE  
[ ] 850 SECURITIES/COMMODITIES/EXCHANGE  
[ ] 875 CUSTOMER CHALLENGE  
[ ] 12 USC 3410  
[ ] 890 OTHER STATUTORY ACTIONS  
[ ] 891 AGRICULTURAL ACTS  
[ ] 892 ECONOMIC STABILIZATION ACT  
[ ] 893 ENVIRONMENTAL MATTERS  
[ ] 894 ENERGY ALLOCATION ACT  
[ ] 895 FREEDOM OF INFORMATION ACT  
[ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE  
[ ] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.



(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [X] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [X] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [X] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [X] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[X] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

NEW MILLENNIUM PR COMMUNICATIONS, INC. 363 SEVENTH AVE., 13TH FL., NYC 10001 NY COUNTY

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DIGITAL FX INTERNATIONAL, INC. 3035 E. PATRICK LANE, SUITE 9, LAS VEGAS, NV 89102

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Larry Kan*

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO  
☒ YES (DATE ADMITTED Mo. 6 Yr. 79)  
 Attorney Bar Code # 0827

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J. Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)